IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated : Nainital the 17th day of August 2005

Criminal Bail Application No.772/2005

Order on the bail application of accused

CRIMINAL SIDE

Haseem Miyan S/o Sri Vahed Khan
R/o Niyoria Hussainpur,
P.S. Niyoria,
District Pilibhit. …... Applicant

Versus

State of Uttaranchal ….....Opposite Party

Arising out of case crime No.255/2005
U/s 8(C) 18/20 N.D.P.S. Act
P.S. Sitarganj
District – Udham Singh Nagar

Hon'ble J. C. S. Rawat, J.

Heard Sri Dharam Veer learned senior counsel for the applicant and learned A.G.A. for the State.

Perused the record. As per the prosecution story, about 1 KG of charas (Contraband material) was recovered from the possession of the applicant. The learned counsel for the applicant contended that the recovered quantity of charas from the possession of applicant was not weighed at the time of recovery and as such it cannot be said that it is one kilogram or below. Learned counsel for the applicant further contended that the presumption should be drawn in favour of the applicant that it may be less than one kilogram, which is not a commercial quantity. The applicant has no criminal history. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 17.08.2005 **(J.C.S. Rawat, J.)**

LSR